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UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA

9 ANTHONY JEROME HALL, JR., } Case No. CV 12-5876 CAS (JCG)
10 Petitioner, }
11 v. } **ORDER ACCEPTING REPORT AND
12 M.D. McDONALD, Warden, } RECOMMENDATION OF UNITED
13 Respondent. } STATES MAGISTRATE JUDGE AND
14 } DENYING CERTIFICATE OF
15 } APPEALABILITY AND
16 } EVIDENTIARY HEARING**
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Pursuant to 28 U.S.C. § 636, the Court has reviewed the Petition, the
Magistrate Judge's Report and Recommendation, and the remaining record, and has
made a *de novo* determination. No objections to the Report and Recommendation
have been filed.

Accordingly, IT IS ORDERED THAT:

- 21 1. The Report and Recommendation is approved and accepted;
- 22 2. Judgment be entered denying the Petition and dismissing this action
23 with prejudice; and
- 24 3. The Clerk serve copies of this Order on the parties.

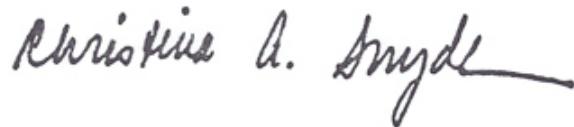
Additionally, for the reasons set forth in the Report and Recommendation, the
Court finds that Petitioner has not made a substantial showing of the denial of a
constitutional right. *See* 28 U.S.C. § 2253; Fed. R. App. P. 22(b); *Miller-El v.
Cockrell*, 537 U.S. 322, 336 (2003). Thus, the Court declines to issue a certificate of

1 appealability.

2 Nor is Petitioner entitled to an evidentiary hearing. *See Cullen v. Pinholster*,
3 131 S. Ct. 1388, 1398 (2011) (AEDPA “requires an examination of the state court-
4 decision at the time it was made. It follows that the record under review is limited to
5 the record in existence at that same time *i.e.*, the record before the state court.”).

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7 DATED: April 1, 2015



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10 HON. CHRISTINA A. SNYDER
11 UNITED STATES DISTRICT JUDGE

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